

Permitting & Assistance Branch Staff Report  
Solid Waste Facilities Permit Revision for the Calexico Solid Waste Site  
SWIS No. 13-AA-0004  
January 20, 2012

**Background Information, Analysis, and Findings:**

This report was developed in response to the Imperial County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery's (Department) concurrence on the issuance of a proposed Solid Waste Facilities Permit (SWFP) revision for the Calexico Solid Waste Site, SWIS No. 13-AA-0004, located in Imperial County and owned and operated by Imperial County. A copy of the proposed permit is attached. This report contains the Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on December 23, 2011. Action must be taken on this proposed permit no later than February 21, 2012. If no action is taken by February 21, 2012, the Department will be deemed to have concurred with the issuance of the proposed revised permit.

**Proposed Changes**

The following changes to the permit are being proposed:

	Current Permit (2003 SWFP)	Proposed Permit
2. Name and Street Address of Facility	Calexico Solid Waste Site Off Highway 98 and adjacent to New River	Calexico Solid Waste Site 133 West Highway 98 Calexico, CA 92231
5.b. Permitted Hours of Operation	7 AM to 4 PM, Wednesday and Saturday, Less Holidays (refer to condition o)	6:30 AM to 4:30 PM, Wednesday and Saturday, Less Holidays (refer to condition 17. m) Commercial and Public Disposal Hours: 7:00 AM to 4:00 PM (The half hour difference in the opening and closing is for site maintenance.)
5.e. Key Design Parameters	Permitted Area (in acres): Total – 72.8 Disposal - 38 Remaining Capacity: 1,530,950 cy Max. Elevation (above mean sea level): 40 feet Max. Depth (below ground surface): 22 feet Estimated Closure Date: March 2103	Permitted Area (in acres): Total – 82.02 Disposal – 40.12 Remaining Capacity: 1,800,000 cy Max. Elevation (mean sea level): 40 feet Max. Depth (below ground surface): 22 feet Estimated Closure Date: November 2077
13. Findings	a. This permit is consistent with the County Solid Waste Management Plan (CIWMP). Public Resources Code, Section 50001. See pages 10 and 11 of the CIWMP.  b. This permit is consistent with standards	a. This permit is consistent with the Imperial County Solid Waste Management Plan (CIWMP), which was approved by the California Integrated Waste Management Board (CIWMB) on May 23, 2000 (see pages 10 and 11 of the CIWMP). The location of the facility is

	<p>adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.</p> <p>c. The design and operation of the facility in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA.</p> <p>d. The Imperial County Fire Department has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151.</p> <p>e. Pursuant to Public Resources Code, Section 21081.6, Notice of Determination (Sch. No. 2000111031) for the Calxico Solid Waste Site was adopted by the Imperial County Planning Commission on 1/10/01 and Posted with the Imperial County Clerk Recorder on 1/16/01. An Addendum for Initial Study #00-0066 was prepared on 4/16/01.</p> <p>f. The following authorization agent has made the determination that the facility is consistent with, and designated in, the applicable general plan: Jurg Heuberger, Planning Department. Public Resources Code, Section 50000.5(a).</p> <p>h. The Imperial County Board of Supervisors made a written finding on September 3, 1996 that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b).</p>	<p>identified in the Countywide Siting Element. Public Resources Code, Section 50001(a)(1).</p> <p>b. This permit is consistent with standards adopted by the California Department of Resources Recycling and Recovery (CalRecycle, formerly CIWMB). Public Resources Code, Section 44010.</p> <p>c. The Local Enforcement Agency (LEA) has determined that the design and operation of the facility is in compliance with State Minimum Standards for solid waste handling and disposal at this site. Public Resources Code, Section 44009.</p> <p>d. The Imperial County Fire Department has determined that the facility is in conformance with applicable fire standards. Public Resources Code, Section 44151.</p> <p>e. A Mitigated Negative Declaration was filed with the State Clearinghouse (SCH No. 2011081086) and approved by the Imperial County Planning Commission on December 14, 2011 in support of this Solid Waste Facility Permit. A Notice of Determination was filed with the State Clearinghouse on December 19, 2011.</p> <p>f. The Imperial County Board of Supervisors has made a determination that the Calxico Solid Waste Site is consistent with, and designated in, the Imperial County General Plan, and that the surrounding land use is compatible with the facility operation as described herein. Public Resources Code, Section 50000.5.</p>
14. Prohibitions	<p>The permittee is prohibited from the disposal of the following items:</p> <p>a. Hazardous waste, as defined by CCR Title 22.</p> <p>b. Liquid waste (moisture content more than 50 percent).</p> <p>c. White goods, which are deemed to be recyclable.</p> <p>d. Biohazardous/Medical Waste.</p> <p>e. Designated wastes.</p> <p>f. Radioactive waste.</p>	<p>The permittee is prohibited from accepting the following wastes for disposal:</p> <p>a. Hazardous waste, as defined by Title 22 of the California Code of Regulations;</p> <p>b. Liquid waste (moisture content of more than 50 percent);</p> <p>c. White goods that are deemed to be recyclable;</p> <p>d. Biohazardous / Medical Waste;</p> <p>e. Designated wastes;</p> <p>f. Radioactive waste; and</p>

	<p>g. Wastes which can cause corrosion/erosion or decay, or otherwise reduce or impair the integrity of containment structures.</p> <p>h. Waste which, when mixed or commingled with other wastes at the landfill, could produce chemical reactions that create heat or pressure, fire or explosion, toxic byproducts, or reactions which in turn: (1) Require a higher level of containment than provided by this landfill.</p>	<p>g. Wastes requiring special treatment or handling, except as identified in the Joint Technical Document and as approved by the LEA, RWQCB, and other federal, state, and local agencies.</p>
15. Documents:	<p>Report of Facility Information: 06/01</p> <p>RFI Amendment: 06/03</p> <p>Air Pollution Permit to operate No. 3074: 1/22/01</p> <p>Neg Dec SCH#2000111031: 1/16/01</p> <p>Preliminary Closure/Post Closure Plan deemed complete for filing: 6/01</p> <p>Closure Financial Responsibility Document, Financial Assurance Branch Letter 7/01</p> <p>Waste Discharge Requirements WDR# 93-071 as amended 97-008: 1/27/97</p> <p>Local and County Ordinances: Various</p>	<p>Joint Technical Document: 06/11</p> <p>Conditional Use Permit: N/A</p> <p>Mitigated Negative Declaration (SCH# 2011081086): 12/14/11</p> <p>Preliminary Closure/Post-Closure Maintenance Plan: 06/11</p> <p>Waste Discharge Requirements (WDR# R7-2002-0104) 06/26/02</p> <p>Imperial County APCD Permit to Operate (#3074) 12/10</p> <p>Imperial County Ordinances: Various</p>
16. Self Monitoring	<p>A variety of monitoring activities shall be performed by the Calxico Solid Waste Site operator. The various monitoring activities are included in permits and the environmental review documents for the landfills.</p> <ol style="list-style-type: none"> <li>The LEA, under this permit, will enforce only those Mitigation Measures that the LEA has the authority to enforce under the Public Resources Code, Title 27 California Code of Regulations and applicable regulations.</li> <li>Operator to perform quarterly landfill gas monitoring of the landfill perimeter and any on-site structures and to submit monitoring reports to the LEA within 15 days following monitoring activities.</li> <li>The LEA will be responsible to</li> </ol>	<p>A variety of monitoring activities shall be performed by the operator of the Calxico Solid Waste Site. The various monitoring activities are included as requirements in the referenced permits and the environmental review documents for the landfill. All required monitoring reports shall be sent to the Local Enforcement Agency as described in the Joint Technical Document, including, but not limited to the following:</p> <ol style="list-style-type: none"> <li>Operator to perform quarterly landfill gas monitoring of the landfill perimeter and on-site structures and to submit monitoring reports to the LEA within 90 days of sampling.</li> <li>Operator to maintain daily tonnage logs of all waste received at the landfill and to submit tonnage reports to the LEA at</li> </ol>

	<p>monitor only those items that it has the authority to enforce.</p> <p>Operator is subject to Imperial County Air Pollution Control Districts Air Monitoring requirements.</p>	<p>least monthly within 15 days of the following month.</p> <p>c. Operator to maintain a record of the number of waste delivery vehicles entering the facility and to submit reports to the LEA at least monthly within 15 days of the following month.</p> <p>The LEA, under this permit, will enforce only those mitigation measures of the Mitigation Monitoring and Reporting Program (MMRP) that the LEA has the authority to enforce under the Public Resources Code, the California Code of Regulations, and other applicable regulations.</p>
17. LEA Conditions	<p>a. The operator shall comply with State Minimum Standards for solid waste handling and disposal as specified in Title 27, California Code of Regulations (CCR). The operator shall not operate this facility without possession of all required permits/regulatory approvals. The operator shall inspect the site at a frequency sufficient to ensure compliance with all applicable standards/conditions/mitigations/regulations as are applicable to this facility.</p> <p>b. The operator shall comply with all applicable federal, state, and local requirements and enactments including all mitigation and monitoring measures and all administrative/enforcement orders of all regulatory agencies with jurisdiction at this facility.</p> <p>c. The operator shall maintain a complete copy of this SWFP, Joint Technical Documents and all LEA/CIWMB regulatory inspection reports and enforcement actions at the Imperial County Department of Public Works Headquarters. Such reports to be readily available to facility personnel, LEA staff and other appropriate regulatory personnel.</p> <p>d. Additional information concerning the design/operation of the facility shall be furnished upon request to the LEA and other regulatory personnel.</p> <p>e. The operator shall notify the LEA in writing of any proposed change in the routine facility operation or changes in facility design during the planning stages.</p>	<p>a. The operator shall comply with State Minimum Standards for solid waste handling and disposal as specified in Title 27 of the California Code of Regulations. The operator shall inspect the site at a frequency sufficient to ensure compliance with all standards, conditions, mitigations, and regulations applicable to this facility.</p> <p>b. The operator shall comply with all applicable federal, state, and local requirements and enactments, including mitigation and monitoring measures developed in accordance with any certified environmental documents filed pursuant to Public Resources Code (PRC) Section 21081.6, and administrative or enforcement orders of all regulatory agencies with jurisdiction at this facility.</p> <p>c. The operator shall maintain a complete copy of the Solid Waste Facility Permit, Joint Technical Document (JTD), and all LEA/CalRecycle regulatory inspection reports and enforcement actions at the Imperial County Department of Public Works Main Office. All operating and disposal site records shall be readily available to facility personnel, LEA staff, and other appropriate regulatory personnel.</p> <p>d. Additional information concerning the design and operation of the facility shall be furnished to the LEA upon request and within the time frames specified by the LEA.</p> <p>e. The operator shall notify the LEA in writing of any proposed change in the</p>

	<p>In no case shall the operator undertake any significant changes unless the operator first submits to the LEA a notice of said changes at least 150 days before said changes are undertaken. Any significant changes as determined by the LEA would require a revision of this permit.</p> <p>f. The LEA reserves the right to suspend and/or modify the terms and conditions applicable at this facility when deemed necessary due to any emergency, potential health hazard, and/or public nuisance.</p> <p>g. A log of special occurrences shall be maintained. The log shall contain but not limited to: fire, explosion, discharges, significant incidents of personnel injury, seismic events, accidents, and/or property damage. The log shall be maintained on the premises. Days without incidents shall be noted in the log with an appropriate negative entry.</p> <p>h. Personnel on-site shall have immediate access to radio and/or telephone communications to access a 911 emergency dispatcher and as necessary to communicate with the operator's main office. The LEA may grant approval for use of Alternative Daily Cover such as green waste, if a sufficient amount is available to provide adequate cover. These standards are subject to regulatory change and may be amended in the future.</p> <p>j. The terms and conditions of this permit may change as a result of revision of applicable statutes or regulations.</p> <p>k. This permit does not release the operator from its responsibility under any other existing laws, ordinances, regulations, or statutes of other governmental agencies.</p> <p>l. The current RDSI or as it may be amended is a part of this permit.</p> <p>m. Operator shall maintain a record of the number of waste delivery vehicles entering the facility daily and submit to the LEA a monthly report within 15 days of the following month.</p> <p>n. Operator shall compile daily tonnage received and submit a report to the LEA monthly following issuance of this permit commencing with the 15th of the month covering the preceding month.</p>	<p>routine facility operation or changes in facility design during the planning stages. In no case shall the operator undertake any significant changes unless the operator first submits to the LEA a notice of said changes at least 180 days before said changes are undertaken. Any significant changes as determined by the LEA would require a revision of this permit.</p> <p>f. The LEA reserves the right to suspend and/or modify applicable operations at this facility when deemed necessary due to any emergency, potential health hazard, and/or public nuisance.</p> <p>g. A daily log of special occurrences shall be maintained by the site operator. The log shall contain, but is not limited to: fires, explosions, discharges, flooding, seismic events, unusual or sudden landfill settlement, receipt or rejection of unpermitted wastes, significant incidents of personnel injury, seismic events, accidents, and/or property damage. Days without incidents shall be noted in the log with an appropriate negative entry.</p> <p>h. Personnel on-site shall have immediate access to radio and/or telephone communications to access a 911 emergency dispatcher and as necessary to communicate with the operator's main office.</p> <p>i. The LEA may grant approval for use of Alternative Daily Covers such as synthetic tarps or processed green material upon completion of a site-specific demonstration project and JTD Amendment. These standards are subject to regulatory change and may be amended in the future.</p> <p>j. The terms and conditions of this permit may change as a result of revision of applicable statutes or regulations.</p> <p>k. The current JTD or as it may be amended is a part of this permit.</p> <p>l. The operator shall require all vehicles transporting solid waste into the landfill to be properly covered (tarps, netting, etc.).</p> <p>m. The operator with proper application for an RFI Amendment and subsequent LEA approval may alternate days of operation while remaining within two operating days per week.</p>
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	<p>o. The Operator, upon proper application for an RDSI amendment and subsequent LEA approval, may alternate days of operation while remaining within two operating days per week and/or increase the days and hours of operation to Monday through Saturday, 5:00AM - 6:00PM during daylight hours. The increase in tonnage, days and hours of operation may only occur to accommodate the waste transfer scenario as indicated in section 1-13 of the Joint Technical Document.</p>	<p>The LEA, under this permit, will enforce those terms and conditions under the authority of the LEA within the Integrated Waste Management Act in the Public Resources Code and the California Code of Regulations Title 14 and Title 27.</p>
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### **Findings:**

All of the submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings are summarized in table below. The documents on which staff's findings are based have been provided to the Deputy Director with this Staff Report and are permanently maintained in the facility files maintained by the Department.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated December 21, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on October 6, 2009, and provided a copy to the Department on October 13, 2009.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facilities Permit	The LEA submitted a proposed SWFP on December 23, 2011. See below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on December 23, 2011, provided a finding that the facility is consistent with PRC 50001 and Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the Siting Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated, January 13, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	The Closure and Facility Engineering Unit staff in the Engineering Support Branch found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandum dated December 19, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b) (7) (A) Financial Assurances Documentation	The Financial Assurances Unit staff in the Permitting & Assistance Branch found the Financial Assurances Documentation in compliance as described in their	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
Compliance	letter dated December 21, 2011.	
21685(b)(7)(B) Operating Liability Compliance	The Financial Assurances Unit staff in the Permitting & Assistance Branch found the Operating Liability in compliance as described in their letter dated December 21, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on December 7, 2011. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on December 23, 2011, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on November 17, 2011. Oral comments were received by the LEA. No written comments were received. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project, a proposed revised SWFP. Permits staff has determined that the CEQA record can be used to support the Deputy Director's action on the proposed revised permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

The LEA has included in the SWFP a condition that, when read together, is ambiguous. Condition 17(b) states, among other things, that the operator shall comply with all federal, state and local requirements, all mitigation measures applicable to the facility under CEQA and all administrative orders imposed by all regulatory agencies. This condition patently exceeds the LEA's authority under the Integrated Waste Management Act (IWMA) and Department regulations and, accordingly, is unenforceable to the extent it exceeds the authority accorded the LEA. A note inserted under the conditions provides that the LEA will enforce only those terms and conditions for which it has authority under the IWMA and Department regulations. It is the Department's understanding that the LEA's intent including the note is to limit the effect of Condition 17(b) such that the LEA will enforce only those terms and conditions of the permit that are within the jurisdiction of the LEA under the IWMA and Department regulations and that the LEA will not attempt to enforce or identify as permit violations matters which are outside the LEA's jurisdiction. Absent this understanding of the LEA's intent in imposing the condition, the Department would not be able to make the finding that the LEA has submitted a valid proposed SWFP to the Department.

**Compliance History:**

The facility was inspected by WEEB staff in the Inspections and Enforcement Agency Compliance Unit on December 7, 2011. One violation of Public Resources Code (PRC) 44014(b) - Operator Complies with Terms & Conditions and one violation of Title 27 California Code of Regulations ( 27 CCR) 21600 - Report of Disposal Site Information were noted in the inspection report. These violations will be corrected by the issuance of the proposed revised SWFP.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years.

In 2011 the LEA noted 12 violations of PRC 44014(b) - Operator Complies with Terms & Conditions; 12 violations of 27 CCR 21600 - Report of Disposal Site Information; 6 violations of 27 CCR 20700 - Intermediate Cover; 7 violations of 27 CCR 20650 - Grading of Fill Surfaces; 3 violations of 27 CCR 20680 - Daily Cover; and 2 violations of 27 CCR 20750 - Site Maintenance.

In 2010 the LEA noted 12 violations of PRC 44014(b) - Operator Complies with Terms & Conditions; 12 violations of 27 CCR 21600 - Report of Disposal Site Information; 11 violations of 27 CCR 20750 - Site Maintenance; 4 violations of 27 CCR 20820 - Drainage and Erosion Control; 7 violations of 27 CCR 20530 - Site Security; 1 violation of 27 CCR 20680 - Daily Cover; 7 violations of 27 CCR 20921 - Gas Monitoring and Control; and 3 violations of 27 CCR 20830 - Litter Control.

In 2009 the LEA noted 8 violations of PRC 44014(b) - Operator Complies with Terms & Conditions; 10 violations of 27 CCR 21600 - Report of Disposal Site Information; 12 violations of 27 CCR 20830 - Litter Control; 3 violations of 27 CCR 20750 - Site Maintenance; 2 violations of 27 CCR 20820 - Drainage and Erosion Control; and 8 violations of 27 CCR 21640 - Permit Review.

In 2008 the LEA noted 3 violations of PRC 44014(b) - Operator Complies with Terms & Conditions; 4 violations of 27 CCR 21600 - Report of Disposal Site Information; 8 violations of 27 CCR 21640 - Permit Review; 13 violations of 27 CCR 20830 - Litter Control; 3 violations of 27 CCR 20515 - MSWLF Unit Records; 1 violation of 27 CCR 20820 - Drainage and Erosion Control; 2 violations of 27 CCR 20510 - Disposal Site Records; 5 violations of 27 CCR 20750 - Site Maintenance; and 5 violations of 27 CCR 20650 - Grading of Fill Surfaces.

In 2007 the LEA noted 2 violations of 27 CCR 20830 - Litter Control; 3 violations of 27 CCR 20750 - Site Maintenance; 3 violations of 27 CCR 20680 - Daily Cover; and 2 violations of 27 CCR 20700 - Intermediate Cover.

With the exception of PRC 44014(b) - Operator Complies with Terms & Conditions and 27 CCR 21600 - Report of Disposal Site Information, all violations were corrected to the satisfaction of the LEA.

**Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed revised SWFP before the Department concurs on it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Imperial County Planning and



Development Services Department acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The landfill is located at 133 West Highway 98, approximately one mile west of the City of Calexico on 72.8 acres with a disposal footprint of 38.0 acres. The site borders Highway 98 to the north and the New River to the east. Existing land use in the area is mainly agricultural. There is one single family residence adjacent to the northwest corner of the landfill.

The landfill changes that will be authorized by the issuance of the proposed permit are supported by the following environmental document:

- Initial Study/Mitigated Negative Declaration for the Revision for the Calexico Solid Waste Facility Permit, SCH No. 2011081086, August 2011; adopted by the Planning Commission December 14, 2011.

The proposed permit revision will allow a 9.22-acre expansion of the permitted facility boundaries and a 2.12-acre expansion of the permitted waste disposal area with no changes to the maximum height of the landfill; the hours of operation would be revised to include one half hour before opening and one half hour after closing for site maintenance with no changes in the public hours of waste acceptance. The permit would also be revised to reflect a revised final grading plan as described in the amended Preliminary Closure/Post-Closure Maintenance Plan; the installation of a perimeter landfill gas monitoring system; the estimated closure date will be revised from March 2103 to January 2077; and updates to the Joint Technical Document to correct inconsistencies and outdated information.

The Imperial County Planning and Development Services Department, acting as Lead Agency, prepared and circulated an Initial Study/Mitigated Negative Declaration (IS/MND), State Clearinghouse No. 2011081086. It was circulated for a 30-day review period from August 26, 2011 through September 26, 2011.

The IS/MND was certified by the Imperial County Board of Supervisors on December 14, 2011. The Notice of Determination was received by the State Clearinghouse on December 19, 2011. Department staff reviewed the Imperial County Planning and Development Services Department's IS/MND and determined that the findings were appropriate.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental document prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the permit.

Department staff further recommends the IS/MND is adequate for the Deputy Director's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Environmental Impact Report certified by the

Board of Supervisors, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Local Issues:**

The project document availability, hearings, and associated meetings were extensively noticed consistent with the SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 119). Census information indicates that the surrounding population is approximately 4.9 % white, 0.2% black or African American, 0.2 % American Indian/Alaska Native, 0.4% Asian, 0.0% Native Hawaiian or Pacific Islander, 0.2% two or more races and 94.2% Hispanic or Latino. 13.6% of the families in the Census Tract were below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

**Public Comments:**

The LEA held a public informational meeting from 1:00 p.m. to 3:00 p.m. on November 17, 2011, in the Imperial County Public Health Training Room located at 935 Broadway in El Centro. There were ten eight people in attendance. No concerns were raised with the proposed revisions to the solid waste permit. Oral comments received at the public information meeting included: questions regarding the 5-year permit review process; clarification about waste location relative to the New River; confirmation of landfill ownership; and timelines for approval of the permit. The LEA and operator responded to all questions and comments at the time of the meeting. The LEA received no written comments in response to the posted public notice.

No oral or written comments have been received by Department staff.

The Department provided an opportunity for public comment during the Monthly Public Meeting on January 17, 2012.

**Department Staff Actions:**

Staff responded to questions from the LEA regarding the permit process and attended the public meeting where the project was discussed.